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June 16, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED
JUN 16 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition for Rulemaking
Elaine, Arkansas

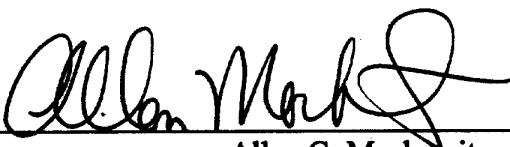
Dear Ms. Salas:

On behalf of Phillips County Broadcasting, we are herewith filing an original and four (4) copies of its "Petition for Rulemaking" to assign Channel 238A to Elaine, Arkansas.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By: 
Allan G. Moskowitz

Enclosure

No. of Copies rec'd
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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Elaine, Arkansas)

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)
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MM Docket No. _____
RM- _____

RECEIVED
JUN 16 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Phillips County Broadcasting ("Phillips"), by its counsel and pursuant to Section 303 of the Communications Act of 1934, as amended, hereby requests that the Commission amend Section 73.202(b) of the Commission's Rules to request the assignment of Channel 238A to Elaine, Arkansas, as that community's first local service. In support thereof, the following is respectfully shown:

1. Elaine, Arkansas, an incorporated community, has 846 residents and is located in the central eastern portion of Phillips County, Arkansas. Elaine has an elected Mayor and a five member Town Council. The city has its own police and fire personnel, and provides water and sewer services to its residents. Elaine has two schools and various businesses. No AM or FM stations are currently licensed to Elaine, either commercial or non-commercial. Consequently, the allocation of Channel 238A to Elaine, Arkansas will constitute its first local service.

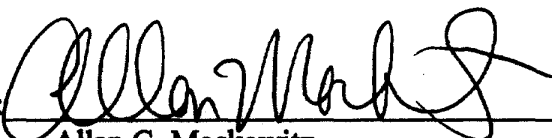
2. Attached hereto as Exhibit 1 is the Engineering Statement of Jefferson G. Brock of Graham Brock, Inc., consulting engineer to the petitioner. Mr. Brock's statement indicates that Section 73.202(b) of the Commission's Rules could be amended to include the allocation of Channel 238A at Elaine, Arkansas, pursuant to the Commission's allocation criteria and in compliance with Section 73.207 of the Commission's Rules.

3. Finally, Phillips County Broadcasting has the present intention of submitting an application for a new FM radio station construction permit for Channel 238A at Elaine, Arkansas, if the Commission assigns that channel. Further, Phillips presently commits itself to construct the station as expeditiously as possible if its application is granted.

WHEREFORE, for the foregoing reasons, Phillips County Broadcasting respectfully requests that the Commission amend Section 73.202(b) of the Commission's Rules to allocate Channel 238A for a new full-service FM radio station for Elaine, Arkansas.

Respectfully submitted,

Phillips COUNTY BROADCASTING

By: 
Allan G. Moskowitz
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005

(202) 682-3500

June 16, 1999

EXHIBIT 1

**ORIGINAL FOR
FILING WITH FCC**

Prepared by:

Graham Brock, Inc.
Broadcast Technical Consultants
10 Sylvan Drive, #26
P.O. Box 24466
St. Simons Island, GA 31522
912-638-8028
202-393-5133
Fax 912-638-7722

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
PHILLIPS COUNTY BROADCASTING
ALLOT CHANNEL 238A
ELAINE, ARKANSAS
June 1999

TECHNICAL EXHIBIT

Copyright 1998

PETITION FOR RULE MAKING
PHILLIPS COUNTY BROADCASTING
ALLOT CHANNEL 238A
ELAINE, ARKANSAS
June 1999

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Phillips County Broadcasting ("PCB"), the petitioner seeking the allotment of Channel 238A to Elaine, Arkansas. The allotment will provide Elaine with its first local transmission service.

DISCUSSION

2. The city of Elaine, Arkansas, is located in the central eastern portion of Phillips County, Arkansas. Elaine is an incorporated community with a population of 846 persons.¹ Elaine presently has no licensed AM or FM facilities. The allocation of Channel 238A would, therefore, provide the community with its first local transmission service.

Elaine is governed by a Mayor and five member Town Council. The city of Elaine provides its own Police, Fire (volunteer) and water/sewer services. Elaine has two public schools (high school and elementary).

REQUEST

3. Channel 238A can be allotted to Elaine, Arkansas, with a site restriction of 12.5 kilometers northeast of the community to avoid shortspacing two licensed facilities.² Channel 238A can be allotted at geographic coordinates North Latitude 34° 23' 00" and West Longitude 90° 46' 04". Exhibit #1 is a map which visually demonstrates where a transmitter site

1) 1990 Census data, U.S. Census of Arkansas 1990 CPH-2-5

2) KSSN, Channel 239C, Little Rock, Arkansas, and WOHT, Channel 237A, Drew, Mississippi.

for Channel 238A can be located to provide the requisite city grade coverage to Elaine. Exhibit #2 is a §73.207 spacing study which shows that from the proposed allocation site, Channel 238A meets the spacing requirements to all existing, applied for or proposed facilities.³ From the reference site, a 3.16 mV/m contour will be placed over 100% of the city of Elaine.

4. Therefore, PCB requests the following amendment to §73.202(b) of the rules:

Elaine, Arkansas

Present
None

Proposed
238A

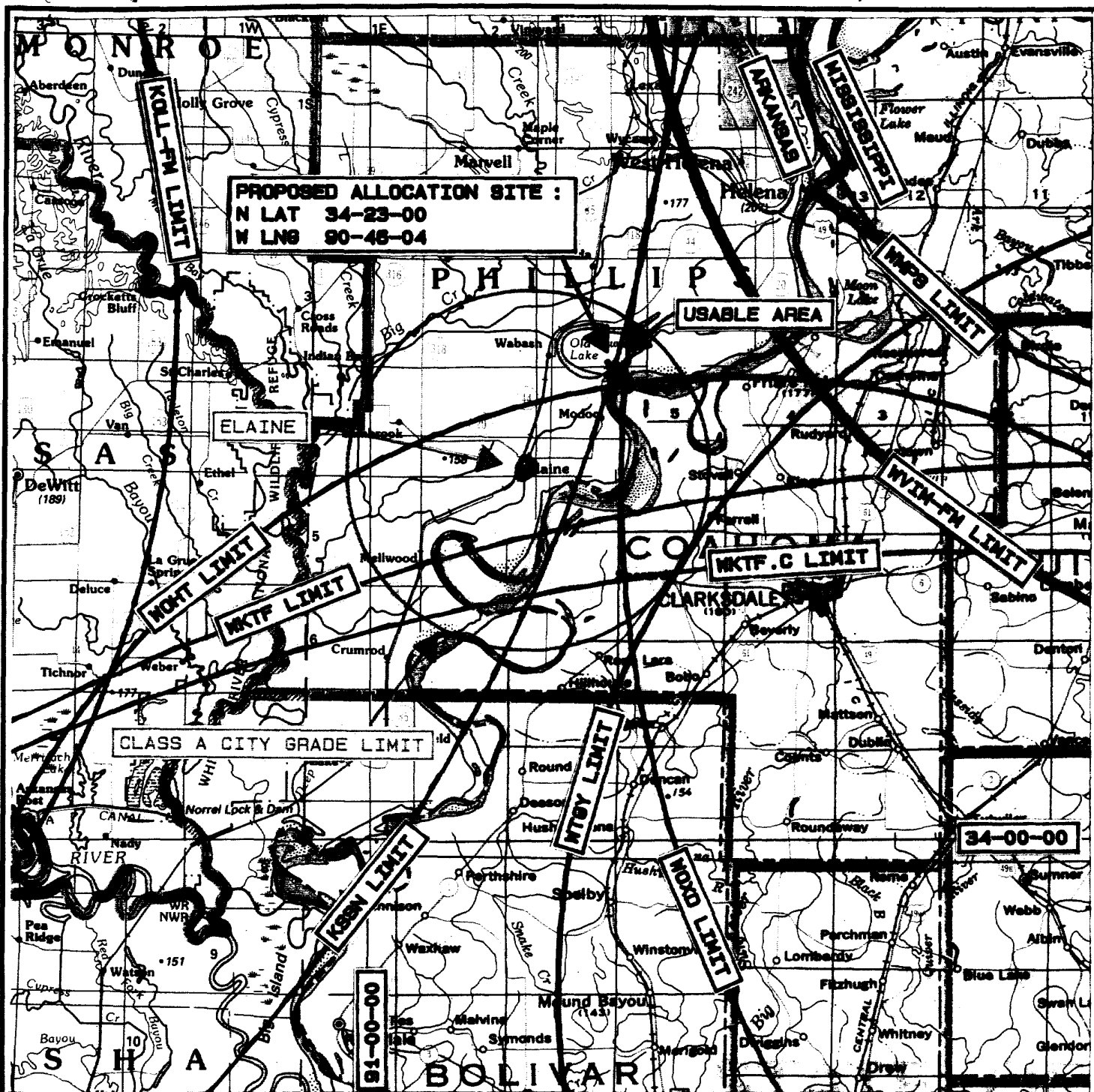
PUBLIC INTEREST

5. The allotment of Channel 238A to Elaine, Arkansas, will provide the first local service to the community. A maximum Class A facility will deliver a 1.0 mV/m signal to 48,258 persons in 2,518.4 square kilometers.⁴ When Channel 238A is allocated to Elaine, PCB will file, on a timely basis, the appropriate expression of interest or an application for a construction permit, whichever is necessary, seeking authority to construct a new FM facility at Elaine, Arkansas.

6. The foregoing Technical Statement was prepared on behalf of Phillips County Broadcasting by Graham Brock, Inc., its Technical Consultant. All information relating to the FM allocations and facilities was extracted from the NTIA database as updated on June 11, 1999. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

3) The shortspace to both facilities is less than 0.5 kilometers which rounds to zero pursuant to §73.208.

4) Population data extracted from the PL 94-171 files.



USABLE AREA CHANNEL 238A

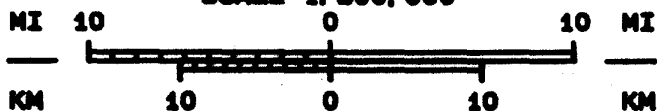
MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAPS OF ARKANSAS AND
MISSISSIPPI.

EXHIBIT #1
PETITION FOR RULE MAKING
PHILLIPS CO. BROADCASTING
ALLOT CHANNEL 238A
ELAINE, ARKANSAS

June 1988

GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

SCALE 1: 500, 000



PETITION FOR RULE MAKING
PHILLIPS COUNTY BROADCASTING
ALLOT CHANNEL 238A
ELAINE, ARKANSAS
June 1999

EXHIBIT #2

ALLOCATION STUDY FOR ELAINE, ARKANSAS
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE						DISPLAY DATES		
34 23 00 N		CLASS A				DATA	06-10-99	
90 46 04 W		Current rules spacings				SEARCH	06-14-99	
		CHANNEL 238 - 95.5 MHz						
CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
TYPE	LAT	LNG	PWR	HT	D-Mi	R-Mi	(KM)	
AD238	238A Elaine		MS	0.0	0.00	115.0	-115.00	
AD	34 23 00	90 46 04	0.000 kW	OM	0.0	71.5		
Phillips County Broadcasting								
* KSSN	239C Little Rock		AR	286.8	164.72	165.0	-0.28	
LI CY	34 47 57	92 29 29	100.000 kW	507M	102.4	102.6		
Southern Skies Corporation					BLH-831117BH			
* WOXD	238A Oxford		MS	94.1	114.83	115.0	-0.17	
LI CN	34 18 10	89 31 25	6.000 kW	100M	71.4	71.5		
Taylor Communications, Inc.					BLH-990203KE			
WOHT	237A Drew		MS	172.0	72.29	72.0	0.29	
LI CN	33 44 17	90 39 29	2.650 kW	150M	44.9	44.8		
Delta Radio, Inc.					BLH-961015KE			
WKTF	238C Jackson		MS	169.2	237.67	226.0	11.67	
LI CN	32 16 39	90 17 41	100.000 kW	323M	147.7	140.5		
WLIN, Inc.					BLH-6026			
WVIMFM	237A Coldwater		MS	58.7	85.07	72.0	13.07	
LI CN	34 46 42	89 58 23	3.000 kW	91M	52.9	44.8		
Tate & Desoto County B/Cting					BLH-7833			
WVIMFM	237A Coldwater		MS	58.8	85.60	72.0	13.60	
CP CN	34 46 45	89 58 01	3.600 kW	129M	53.2	44.8		
Tate and Desoto County B/cting					BPH-950109IC			
WTGY.C	239A Charleston		MS	129.5	85.64	72.0	13.64	
CP CN	33 53 28	90 03 09	6.000 kW	100M	53.2	44.8		
Charleston Broadcasting Co.					BPH-940906IC			
WTGY	239A Charleston		MS	129.5	85.64	72.0	13.64	
LI CN	33 53 28	90 03 09	3.800 kW	100M	53.2	44.8		
Charleston Broadcasting Co.					BLH-911105KA			
WKTF.C	238C Jackson		MS	172.2	243.49	226.0	17.49	
CP ZCN	32 12 29	90 24 50	100.000 kW	323M	151.3	140.5		
SFXMS Limited Partnership					BPH-970722IB			
WMPS	241C3 Tunica		MS	55.3	67.40	42.0	25.40	
LI ZCN	34 43 36	90 09 43	25.000 kW	100M	41.9	26.1		
Tune Broadcasting, Inc.					BLH-980716KA			
KOLLFM	235C Maumelle		AR	273.2	133.44	95.0	38.44	
LI CY	34 26 31	92 13 03	100.000 kW	562M	82.9	59.0		
Southern Starr of Arkansas, Inc.					BLH-920326KC			

* The shortage is less than 0.5 km and therefore rounds to zero.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

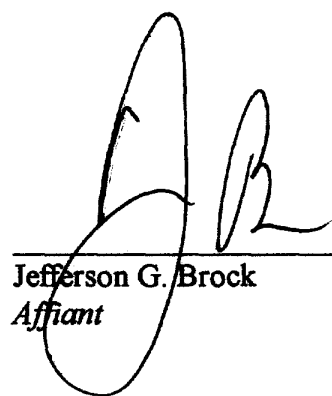
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Phillips County Broadcasting to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

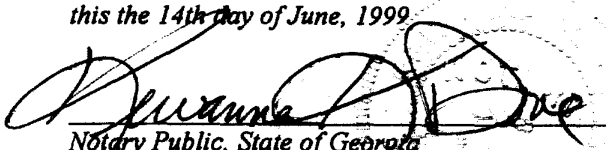
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 14th day of June 14, 1999.



Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 14th day of June, 1999.



Notary Public, State of Georgia
My Commission Expires: April 20, 2002